

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	:	
<b>Plaintiff,</b>	:	<b>Case No. 1:20-CR-077</b>
<b>vs.</b>	:	<b>JUDGE BLACK</b>
<b>LARRY HOUSEHOLDER, et al,</b>	:	
<b>Defendant.</b>	:	

**TIMOTHY BURGA’S REPLY TO LARRY HOUSEHOLDER’S RESPONSE TO HIS  
MOTION TO QUASH SUBPOENA AD TESTIFICANDUM**

On January 23, 2023, Larry Householder served a subpoena *ad testificandum* on Timothy Burga, President of the Ohio AFL-CIO. After ignoring undersigned counsel’s question about the testimony Householder sought to elicit, Burga moved to quash the subpoena. (R. #196, Motion to Quash).

On February 6, 2023, Householder filed a response in opposition to Burga’s motion to quash. (R. #200, Householder’s Opposition). In his response, Householder noted he didn’t intend to elicit testimony about the merits of HB-6. (R. #200, Householder’s Opposition, PAGE ID #5495). Instead, Householder intends to pursue the following lines of inquiry: (a) “why he (Burga) authorized the [Ohio] AFL-CIO to contribute money to Generation Now during the 2018 election cycle” and (b) “how the [Ohio] AFL-CIO spent the money that Generation Now sent to it in 2019.” (R. #200, Householder’s Opposition, PAGE ID #5495).

On their face, Householder’s lines of questioning are not forbidden by this Court’s Final Pretrial Order. (R. #180, Final Pretrial Order, PAGE ID #4353). Additionally, because he’s simply a witness, Burga will leave it to the parties to raise any objections under Fed. R. Evid. 401-403 that his testimony might trigger. Based on Householder’s proffered bases for Burga’s

testimony, it appears Timothy Burga can arguably provide material or relevant testimony and he gives notice of his intent to withdraw his motion to quash.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of this Reply to Householder's Response to Motion to Quash was electronically served on all counsel this 8th day of February, 2023.

/s/ Steven S. Nolder  
Steven S. Nolder (0037795)  
Attorney for Timothy Burga